

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ENCOMPASS INSURANCE COMPANY OF
MASSACHUSETTS,

Plaintiff,

vs.

JOSEPH D. GIAMPA, FREDERICK T.
GIAMPA, ADVANCED SPINE CENTERS,
INC. d/b/a FIRST SPINE REHAB, FUTURE
MANAGEMENT CORPORATION,
EDWARD KENNEDY, BRIAN J. CULLINEY
and JENNIFER McCONNELL

Defendants.

CIVIL ACTION NO.: 05-11693RCL

JOINT LOCAL RULE 16.3(B) STATEMENT

Pursuant to Magistrate Judge G. Dein's electronic Order dated March 26, 2007, the parties submit the within Joint Statement in accordance with Local Rule 16.3(B)

I. PROPOSED AGENDA

A. NUMBER OF DEPOSITIONS CONDUCTED BY THE PARTIES

The plaintiff intends to depose the following categories of witnesses:

- Principal Defendants;
- First Spine patients;
- Keeper of Record Depositions;
- Pertinent First Spine employees and former employees;
- Pertinent business associates of the defendants; and
- Expert witnesses.

The defendants intend to depose the following categories of witnesses:

- Encompass SIU Investigators;
- First Spine patients;

- First Spine former employees;
- Plaintiff's 30(b)(6) designee(s);
- Third-party contractors and consultants used in plaintiff's investigation;
- Employees and/or 30(b)(6) designee(s) of Allstate;
- Individuals and parties similarly situated to the defendants against whom plaintiff and/or Allstate has threatened and/or filed similar litigation; and
- Expert witnesses.

The parties agree that appropriate discovery of the Second Amended Complaint and all counterclaims will require numerous depositions. The plaintiff seeks leave of Court to (1) serve more than 25 interrogatories; (2) serve more than 25 admissions; (3) serve more than 2 sets of document request; and (4) conduct more than 10 depositions pursuant to Local Rule 26.1(C).

The parties retain the right to object and/or to seek a protective order for inappropriate discovery.

B. THE NUMBER OF DEPOSITION PER WEEK

The defendants request that this Court limit plaintiff to 2 depositions per week whereas (1) Matthew Conroy (counsel for the Giampas, First Spine and Future Management) maintains his usual office in New York; and (2) Thomas Ciampa (counsel for Drs. Culliney and McConnell) is a solo practitioner. The plaintiff will assent to defendants request if (1) the defendants make all reasonable efforts to produce employees and former employees for depositions at the agreed dates and times; and (2) the discovery deadline permits plaintiff to complete its anticipated discovery in a timely manner.

C. REASONABLE EXTENSION OF THE DISCOVERY DEADLINE

The parties jointly seek a reasonable extension of discovery to complete all necessary written and deposition discovery. The parties have tentatively agreed to conduct the remaining depositions in accordance with Sections B-C above.

II. CASE PROGRESS

Despite reasonable efforts by all parties to complete the required factual discovery by this Court's November 13, 2007 deadline, the parties jointly advise this Court that the case is not progressing within the allotted time limits. The parties jointly seek a reasonable extension of the Court's Scheduling Order as set forth in Section IIC above.

Respectfully Submitted
Encompass Insurance Company
By their Attorneys,

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/s/ Nathan A. Tilden

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Respectfully Submitted
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By their Attorneys,

/s/ Thomas M. Ciampa

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Respectfully Submitted
Joseph D. Giampa and Frederick T. Giampa
Future Management Corp., Advanced Spine
Centers, Inc. d/b/a First Spine
By their Attorneys,

/s/ Mathew J. Conroy

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Respectfully Submitted
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By his Attorney,

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Dated: April 4, 2007